

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 48970)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF BUFFALO CANYON CREEK IN)
EASTGATE VALLEY, CHURCHILL COUNTY,)
NEVADA.)

RULING

GENERAL

Application 48970 was filed on April 5, 1985, by Adroit Mining Co. to appropriate 0.65 c.f.s. of water from Buffalo Canyon Creek for mining, milling and domestic purposes within the SW1/4 NE1/4 Section 2, T.15N., R.37E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 2, T.15N., R.37E., M.D.B.&M.¹

FINDINGS OF FACT

I.

The source of water and point of diversion were investigated on June 18, 1985, as a result of a complaint by a local rancher that a dam had been built which deprived his cows of stockwater.²

II.

On the date of the field investigation, the dam had been constructed with various small pipes leading to the mill site. With the exception of some seepage, there was no water continuing down the stream channel to satisfy stockwatering rights.²

III.

Water rights of record on Buffalo Creek are as follows:

<u>PERMIT</u>	<u>CERT.</u>	<u>POINT OF DIVERSION</u>	<u>PLACE OF USE</u>	<u>FLOW</u>	<u>USE</u>
6869	1135	SW1/4 NE1/4 Sec. 1, T.15N., R.37E.	Same	.0045 cfs	150 Cattle
7077	1277	SW1/4 NE1/4 Sec. 2, T.15N., R.37E.	Same	.0047 cfs	150 Cattle
43919	*	NW1/4 SE1/4 Sec. 33, T.16N., R.37E.	Same	0.5 cfs	100 Cattle

* Proof of beneficial use has been filed.

¹ Public record in the office of the State Engineer.

² Report of field investigation No. 763, public record in the office of the State Engineer.

These rights are in the name of or being transferred to the 7-C Ranch.¹

CONCLUSIONS

I.

The State Engineer³ has jurisdiction of the parties and the subject matter of this action and determination.

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁴

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public interest.

III.

Based on the field investigation and the rights on record, the State Engineer concludes that there is insufficient water in Buffalo Creek to approve Application 48970 filed for 0.65 c.f.s. and to do so would interfere with existing rights.

RULING

Application 48970 is hereby denied on the grounds that approval thereof would interfere with and prove detrimental to existing rights.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/MT/bl

Dated this 16th day of
August, 1985.

³ NRS 533.325.

⁴ NRS 533.370(3).